

Amendment No. 1 to SB0221

Kelsey  
Signature of Sponsor

**AMEND Senate Bill No. 221**

**House Bill No. 4\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-28-607, is amended by adding the following new subsection:

(c) Section 40-28-122(g) shall apply if:

(1) A paroled prisoner's probation and parole officer believes that the prisoner has violated the conditions of parole in an important respect based solely on the paroled prisoner being arrested on new criminal charges while on parole;

(2) The director or the director's designee agrees that the paroled prisoner violated parole by being arrested for a new criminal charge and a warrant for the retaking of the paroled prisoner is issued; and

(3) The paroled prisoner is arrested and incarcerated pending or following a parole revocation or rescission hearing.

SECTION 2. Tennessee Code Annotated, Section 40-28-122, is amended by adding the following new subsection (g):

(g)

(1) If a paroled prisoner is reincarcerated while awaiting a parole revocation preliminary hearing, a parole revocation hearing, or a parole rescission hearing, or following revocation of parole, and the sole reason the

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paroled prisoner was arrested and reincarcerated was because the paroled prisoner was charged with a new offense, upon notification, the board of probation and parole shall meet to discuss, determine, and vote upon the paroled prisoner's release from incarceration and reinstatement on parole within ten (10) days of any of the following events:

(A) The charge or charges against the paroled prisoner that resulted in the arrest of the prisoner for a parole violation were dismissed or retired;

(B) A no true bill was returned by a grand jury on the charge or charges;

(C) A verdict of not guilty was returned, whether by the judge following a bench trial or by a jury; or

(D) The paroled prisoner was arrested and released, without being charged.

(2)

(A) The chair of the board shall call a meeting of the board within ten (10) days of being notified or otherwise becoming aware that:

(i) One (1) of the events in subdivision (g)(1)(A)-(D) has occurred involving a charge against a paroled person that was committed while on parole; and

(ii) The paroled person was reincarcerated solely because of this charge and the paroled person remains incarcerated while

awaiting a parole revocation or rescission hearing or because the paroled person's parole was revoked or rescinded.

(B) The meeting may occur in person or by electronic means. At the meeting, the only inquiry of the board is to determine if:

(i) The arrest for, or being charged with, a new offense was the sole reason the paroled prisoner's parole was revoked or rescinded or the paroled prisoner was incarcerated pending a revocation or rescission hearing; and

(ii) One (1) or more of the events set out in subdivision (g)(1)(A)-(D) has occurred.

(3) If the board determines that the events described in subdivisions (g)(2)(A)(i) and (g)(2)(A)(ii) have occurred, the board may order the immediate release and reinstatement on parole of the paroled prisoner. Any sentence credits that may have been lost while the paroled prisoner was incarcerated shall also be reinstated.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply retroactively to any paroled prisoner incarcerated on the effective date of this act.